

Serial No. 10/804,871
Docket No. PISCES 02.03
Amendment C Under Rule 116

REMARKS

The specification has been amended to correct minor clerical errors, and also to reinstate Applicant's priority claim.

The Examiner's rejection of claims 1-17 as obvious from Deutsch et al. (U.S. Patent No. 6,315,916) in view of Mori (U.S. Patent No. 6,596,462), Damme et al. (U.S. Patent No. 6,739,260), Thackeray et al. (U.S. Patent No. 6,607,870), Meyrick et al. (U.S. Patent No. 6,344,497), Tsuji et al. (U.S. Patent No. 5,849,463), DeBoer et al. (U.S. Patent No. 5,497,046) and Ehretsmann (sic) et al. (U.S. Patent No. 3,847,265) is in error. In rejecting the claims as obvious from Applicant's earlier '916 patent in view of the several secondary references, the Examiner takes the position that the materials disclosed in the '916 patent are "the same chemical ingredients" or "inherent". That being the case, the Examiner's earlier challenge to the priority claim (Office Action mailed April 29, 2005) was not well based and Applicant has reinstated his priority claim based on the Examiner's admission of inherency. Accordingly, since the Examiner relies on the teachings of Deutsch et al., and the present application is a continuation-in-part of this reference and claims priority to the same, Deutsch et al. cannot be applied as citable art against this application for any teaching contained therein, and the Examiner's art rejection is respectfully traversed.

Moreover, the earlier '916 patent to Deutsch et al. and the instant application are commonly owned by MaxRyan Enterprises, Inc. as can be seen from the attached patent assignment abstract of title for the '916 patent (Exhibit A) and the attached assignment (Exhibit B) which has been submitted to the USPTO for recordation. Under 35 USC 103(c) since the instant application claims priority to the '916 patent, in view of the change to 35 USC 112(c) this Application having been filed after November 29, 1999, the '916 patent is disqualified as

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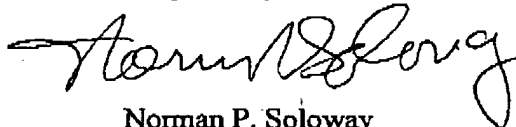
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prior art in this case (MPEP 706.02 (i)). Thus, the rejection of the claims based on Deutsch taken with the other references cannot be maintained.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to EXAMINER Hoa Van Le of the United States Patent and Trademark Office at facsimile number (571) 273-8300, on April 19, 2006, 2006 from Tucson, Arizona.

By 

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